

**15707. Adulteration of butter. U. S. v. 22 Cubes, et al, of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 22664, 22688, 22713. I. S. Nos. 17487-x, 17489-x, 17494-x. S. Nos. 681, 699, 702.)

On or about March 7, March 14, and March 16, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 63 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mutual Creamery Co., in part from Ogden, Utah, and in part from Grand Junction, Colo., in various consignments, on or about February 25, February 29, and March 7, 1928, respectively, and transported from the State of Utah into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 17 and March 22, 1928, respectively, the Mutual Creamery Co., Ogden, Utah, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,500, conditioned in part that it be repacked to conform with the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15708. Adulteration and misbranding of butter. U. S. v. 2 60-Pound Cases, et al, of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22715. I. S. Nos. 17493-x, 17495-x, 17496-x, 17497-x. S. No. 717.)

On March 20, and March 21, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 cases, 60 pounds each, and 7 cases, 30 pounds each, of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been delivered by the Bradner Co., Seattle, Wash., for shipment in interstate commerce into the Territory of Alaska, and was held at Seattle, Wash., on or about March 19, 1928, and charging misbranding with respect to a portion of the article, and adulteration and misbranding with respect to the remainder in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Bradner's Jersey Creamery Butter, Manufactured by The Bradner Company, Seattle, Washington, Contents 1 Lb. Net Weight \* \* \* ;" (inside wrapper) " \* \* \* Net Weight 4 Ozs. \* \* \* ."

It was alleged in the libels that the article was misbranded in that it was labeled in part, "1 Lb. Net Weight," and "Net Weight 4 Ozs.," which statements were false and misleading since the package contained less than that quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

Adulteration was alleged with respect to a portion of the article for the reason that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 21 and March 22, 1928, respectively, the Bradner Co., Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$600, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be repacked under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15709. Adulteration and misbranding of herring roe. U. S. v. 100 Cases of Herring Roe. Product ordered released to be relabeled.** (F. & D. No. 20690. I. S. No. 6597-x. S. No. E-5600.)

On December 8, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and